

Town of Yates Public Hearing and  
Workshop Meeting  
8 South Main Street, Lyndonville, NY 14098  
July 9, 2018, 5:30PM

Present: John Riggi, Councilman  
Wes Bradley, Councilman  
Jim Whipple, Councilman  
Michele Harling, Town Clerk

Excused: Jim Simon, Supervisor  
Harold Suhr, Councilman

Others: Larry Wolfe  
Howard Pierce  
Paul Lauricella

Councilman Riggi called the Public Hearing to order for the adoption of Local Law #5 of 2018 known as “A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c” at 5:45PM.

### **PUBLIC HEARING**

Notice of said Public Hearing was duly published in the Batavia Daily News on June 28, 2018 and posted at the Yates Town Hall and on the Town of Yates website.

The purpose of such Public Hearing is to discuss the adoption of Local Law #5 of 2018 known as “A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c” intended to override the limit on the amount of real property taxes that may be levied by the Town of Yates pursuant to General Municipal Law 3-c and to allow the Town of Yates to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-c.

### **PUBLIC COMMENT**

Paul Lauricella, Town of Yates, said that Councilman Bradley had explained at the last workshop meeting that there was a possibility that the Town would be low on funds and that the Board should consider the tax cap override as a precaution. Paul feels that this is partially due to the litigation associated with the Town of Somerset windmill project. He says that even though it’s only done as a precaution in case of a future audit, he still doesn’t agree with the tax cap override. He added that just knowing that the cap is 2% should keep the Board below it.

Councilman Bradley explained that the Board could go over the 2% tax cap without passing the override resolution and that if they did, the State would slap their hands. He said that by having it in place, if the Town does go over the 2% limit that they are covering themselves. 2% of the current tax levy is in the \$17,000-\$18,000 range over the prior year. He said that most of the surplus has been used up, including the accumulated amount, since the Town has never exceeded the tax cap. The Board knows that there will be an increase in the Fire Tax and expects that there will be other increases as well. He feels that this resolution protects the Town and is the prudent thing to do and said that Supervisor Simon does not want to increase the tax rate if not necessary.

**RESOLUTION NO. 71 -7/18**

**RESOLUTION TO KEEP PUBLIC HEARING OPEN UNTIL REGULAR JULY TOWN BOARD MEETING**

RESOLVED, to keep the Public Hearing open until the regular July Town Board Meeting to allow for additional written submissions and further public input.

Offered by Councilman Whipple  
Seconded by Councilman Bradley

3 Ayes 0 Nays 2 Absent (Simon and Suhr)

Motion: Carried

Respectfully Submitted,  
Michele L. Harling  
Yates Town Clerk